

*Lib Legislation*

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Dec. 12, 1951, 16 P. R. 12452

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Authority: \_\_\_\_\_  
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 PROVIDING FOR EMERGENCY CONTROL OVER CERTAIN GOVERN-  
 AND NON-GOVERNMENT STATIONS ENGAGED IN RADIO  
 COMMUNICATION OR RADIO TRANSMISSION OF ENERGY

WHEREAS section 606 (c) of the Communications Act of 1934, as amended by the act of October 24, 1951, Public Law 200, 82d Congress, provides as follows:

"Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication, or any device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, which is suitable for use as a navigational aid beyond five miles, and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners. The authority granted to the President, under this subsection, to cause the closing of any station or device and the removal therefrom of its apparatus and equipment, or to authorize the use or control of any station or device and/or its apparatus and equipment, may be exercised in the Canal Zone."

WHEREAS section 305 of the Communications Act of 1934, as amended (47 U. S. C. 305), provides, in part, that stations belonging to and operated by the United States shall use such frequencies as shall be assigned to each or to each class by the President;

WHEREAS the existence of a national emergency has been proclaimed by the President by Proclamation No. 2914 of December 16, 1950;

WHEREAS it is necessary, in the interest of the national security and defense, that plans be prepared and implemented whereby government and non-government radio stations may be silenced or required to be operated in a manner consistent with the needs of national security and defense in the event of hostile action endangering the nation, or imminent threat thereof; and

WHEREAS it is desirable, so far as possible and practicable, to preserve and maintain normal conditions and relationships under which such radio stations are operated while at the same time furthering the expeditious implementation of the said plans:

NOW, THEREFORE, by virtue of the authority vested in me by the said sections 305 and 606 (c) of the Communications Act of 1934, as amended, and by section 1 of the act of August 8, 1950, 64 Stat. 419, and as President of the United States and Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

Section 1. The authority vested in the President by section 606 of the Communications Act of 1934, as amended, is hereby delegated to the

Federal Communications Commission to the extent necessary for preparing and putting into effect plans with respect to radio stations as defined in section 5 thereof, except those owned and operated by any department or agency of the United States Government, to minimize the use of the electromagnetic radiations of such stations, in event of attack or of imminent threat thereof, as an aid to the navigation of hostile aircraft, guided missiles, and other devices capable of direct attack upon the United States. The authority so delegated to the Commission shall be exercised subject to the following limitations:

(a) Nothing in this order shall be construed as authorizing the Commission to exercise any authority with respect to the content of station programs.

(b) Nothing in this order shall be construed to authorize the Commission to take over and use any radio station or to remove the apparatus and equipment of any radio station.

(c) The plans of the Commission for exercising its authority under this order shall not become effective until they have been concurred in by the Secretary of Defense and the Chairman of the National Security Resources Board.

Sec. 2. With respect to radio stations belonging to and operated by any department or agency of the United States Government, the head of each government department or agency the stations of which are involved shall, pursuant to the authority vested in the President by section 305 of the Communications Act of 1934, as amended, prepare and put into effect such plans as may be necessary to minimize the use of electromagnetic radiation of these stations in event of attack or imminent threat thereof as an aid to hostile aircraft, guided missiles, and other devices capable of direct attack upon the United States. Such plans shall not become effective until they have been concurred in by the Secretary of Defense and the Chairman of the National Security Resources Board.

Sec. 3. Whenever, pursuant to the provisions of this order, any radio station shall have been required to cease operations or whenever the normal operations of any radio station have been interfered with, such station shall be allowed to resume operations or return to normal operations, as the case may be, at the earliest possible time consistent with the national security. In exercising the authority delegated by this order, due consideration shall be given to civil defense and other national-security requirements.

Sec. 4. The Federal Communications Commission, the Secretary of Defense, and the head of each government department or agency the stations of which are involved, are hereby authorized to issue appropriate rules, regulations, orders, and instructions, and to take such other action as may be necessary, to assure the timely and effective operation of the plans and for carrying out their respective functions hereunder, and are authorized to require full compliance with their respective plans.

Sec. 5. Wherever the words "station" or "radio station" are used in this order, they shall be deemed to include any station for radio communication, and also any device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, suitable for use as a navigational aid beyond five miles.

Sec. 6. (a) Any reference herein to the Federal Communications Commission shall, except for the purpose of issuing rules and regulations, be deemed to include the Chairman or any other member of the Commission

as the Commission may designate; any reference to the Secretary of Defense shall be deemed to include the Secretary or such person as he may designate; and any reference to the chairman of the National Security Resources Board shall be deemed to include the Chairman or such person as he may designate.

(b) Such rules and regulations as the Federal Communications Commission may issue pursuant to this order shall be issued by the Commission, except that the Commission may provide that, in the event of hostile action against the United States or imminent threat thereof, such rules and regulations may be issued by the Chairman.

Sec. 7. Every government department and agency shall give such aid and assistance to the Secretary of Defense, and shall render such cooperation with one another, as may be necessary to accomplish the purpose of this order.

Sec. 8. The Federal Communications Commission is hereby authorized to appoint such advisory committees as it may consider necessary or desirable to advise and assist the Commission in the performance of its duties hereunder.

HARRY S. TRUMAN

THE WHITE HOUSE

December 10, 1951.